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13
14 IN THE UNITED STATES DISTRICT COURT
15 FOR THE EASTERN DISTRICT OF CALIFORNIA

16
17 UNITED STATES OF AMERICA,) No. Cr. F 03- 5054 OWW
18 Plaintiff,)
19 v.) **STIPULATION AND ORDER TO REDUCE**
20 PHILLIP JACKSON,) **SENTENCE PURSUANT TO 18 U.S.C.**
21 Defendant.) **§ 3582(c) (2)**
22)
23) **RETROACTIVE CRACK COCAINE**
24) **REDUCTION CASE**
25)
26)
27)
28)

29
30 Defendant, PHILLIP JACKSON, by and through his attorney, Assistant
31 Federal Defender David M. Porter, and plaintiff, UNITED STATES OF
32 AMERICA, by and through its counsel, Assistant U.S. Attorney Samuel
33 Wong, hereby stipulate as follows:

34 1. Pursuant to 18 U.S.C. § 3582(c) (2), this court may reduce the
35 term of imprisonment in the case of a defendant who has been sentenced
36 to a term of imprisonment based on a sentencing range that has
37 subsequently been lowered by the Sentencing Commission pursuant to 28
38 U.S.C. § 994(o);

39 2. The sentencing range applicable to Mr. Jackson was
40 subsequently lowered by the United States Sentencing Commission in
41 Amendment 706 by two levels;

1 3. Accordingly, Mr. Jackson's adjusted offense level has been
2 reduced from 31 to 29, and a sentence for the drug count at the
3 mandatory minimum would be 120 months;

4 4. Mr. Jackson merits a reduction in his sentence based on the
5 factors listed in 18 U.S.C. § 3553(a), as well as considerations of
6 public safety and Mr. Jackson's positive post-sentencing conduct;

7 5. Accordingly, the parties request the court to enter the order
8 lodged herewith resentencing Mr. Jackson to a term of 120 months.

9 Dated: October 1, 2008

10 Respectfully submitted,

11 McGREGOR SCOTT
12 United States Attorney

13 DANIEL J. BRODERICK
14 Federal Defender

15 _____
16 /s/ Dawrence W. Rice, Jr.
17 DAWRENCE W. RICE, Jr.
18 Assistant U.S. Attorney
19 Attorney for Plaintiff
20 UNITED STATES OF AMERICA

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22 /s/ David M. Porter
23 DAVID M. PORTER
24 Assistant Federal Defender
25 Attorney for Movant
26 PHILLIP JACKSON

27 I understand and acknowledge that the relief sought by way of this
28 stipulation, that is the reduction of my sentence to 120 months, is the
only relief I will receive as a result of the pro se motion I filed on
April 25, 2008.

29 Dated: September ___, 2008

30 _____
31 PHILLIP JACKSON

32 ORDER

33 This matter came before the Court on the pro se motion of the
34 defendant for reduction of sentence pursuant to 18 U.S.C. § 3582(c) (2)
35 STIPULATION AND ORDER REDUCING
36 SENTENCE

1 filed April 25, 2008.

2 On December 1, 2003, this Court sentenced Mr. Jackson to a term of
3 121 months. The parties agree, and the Court finds, that Mr. Jackson
4 is entitled to the benefit of the retroactive amendment reducing crack
5 cocaine penalties, which reduces the applicable offense level from 31
6 to 29, and that an appropriate sentence on Count 2 would be at the
7 mandatory minimum of 120 months.

8 IT IS HEREBY ORDERED that the term of imprisonment originally
9 imposed is reduced to 120 months.

10 IT IS FURTHER ORDERED that all other terms and provisions of the
11 original judgment remain in effect.

12 Unless otherwise ordered, Mr. Jackson shall report to the United
13 States Probation office closest to the release destination within
14 seventy-two hours after his release.

15 IT IS SO ORDERED.

16 Dated: October 10, 2008

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE

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STIPULATION AND ORDER REDUCING
SENTENCE